

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

Dr. Michael Moates

Plaintiff

v.

STATE OF NORTH CAROLINA,

STATE OF TEXAS,

STATE OF VIRGINIA, AND

STATE OF NEVADA

Defendants

Case No.: 4:23-cv-00772

JURY TRIAL DEMANDED

PLAINTIFF'S MOTION FOR ENTRY

OF DEFAULT AGAINST DEFENDANT

STATE OF NORTH CAROLINA AND

DEFENDANT STATE OF VIRGINIA

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Dr. Michael Moates, Plaintiff in the above-entitled and numbered cause, and respectfully moves this Court for an Entry of Default against Defendant, State of North Carolina, and for a Default Judgment against Defendant, Commonwealth of Virginia, and in support thereof would show the following:

Service of Process:

On August 7th, 2023, Defendant, State of North Carolina, was duly served with the Summons and Complaint in this matter.

On August 9th, 2023, Defendant, Commonwealth of Virginia, was duly served with the Summons and Complaint in this matter.

Pursuant to FRCP, a summons and complaint may be served by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.”

Under the TCRP, a summons may be served by “mailing to the defendant by registered or certified mail, return receipt requested, a copy of the citation and of the petition.” Rule 106 - Method of Service, Tex. R. Civ. P. 106

True and correct copies of the Proofs of Service are attached hereto as Exhibit A and Exhibit B, respectively.

Time to Answer: More than 21 days have elapsed since the Defendants were served with the Summons and Complaint, which is the time period prescribed by the Federal Rules of Civil Procedure for a defendant to answer or otherwise respond to a complaint.

Failure to Answer or Respond: To date, neither Defendant has answered nor otherwise responded to the Complaint, nor sought an extension of time to do so.

Previous Default: A previous request for entry of default was made against another defendant, State of Nevada, on August 29th, 2023.

No request for entry of default or default judgment has been made against the State of North Carolina or the Commonwealth of Virginia in this case.

WHEREFORE, Plaintiff respectfully requests that the Clerk of this Court:

- Enter a default against Defendant, State of North Carolina, for its failure to answer or otherwise respond to the Complaint.
- Enter a default judgment against Defendant, Commonwealth of Virginia, for its failure to answer or otherwise respond to the Complaint.

- Plaintiff further seeks such other and further relief as the Court deems just and proper.

/s/ Dr. Michael Moates

4501 Nautilus Circle #710

Fort Worth, Texas

254-966-2837

mike@cpmht.com

CERTIFICATE OF SERVICE

I hereby certify that on 29 August 2023, a true and correct copy of the foregoing Motion for Entry of Default was served on all counsel of record via Electronic Filing System.

Respectfully submitted,

/s/ Dr. Michael Moates

4501 Nautilus Circle #710

Fort Worth, Texas

254-966-2837

mike@cpmht.com

Exhibit A



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August 7, 2023

Dear Michael Moates:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 4298 0486 7780 98.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	August 7, 2023, 1:43 pm
Location:	RALEIGH, NC 27603
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	State of North Carolina

Shipment Details

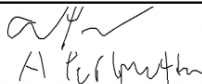
Weight:	10.2oz
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Destination Delivery Address

Street Address:	114 W EDENTON ST
City, State ZIP Code:	RALEIGH, NC 27603-1712

Recipient Signature

Signature of Recipient:


Al Perlmutter

Address of Recipient:

114 W Edenton
ST

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

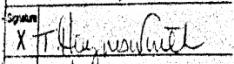
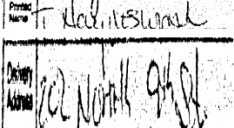
EXHIBIT B



August 9, 2023

Dear Michael Moates:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 4298 0486 7781 04.

Item Details	
Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	August 9, 2023, 2:35 pm
Location:	RICHMOND, VA 23218
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	State of Virginia
Shipment Details	
Weight:	10.2oz
Recipient Signature	
Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004